

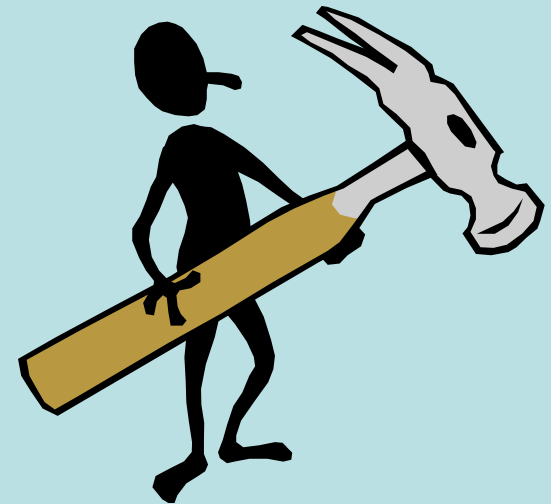


Chapter 17 Amendment

October 8, 2007

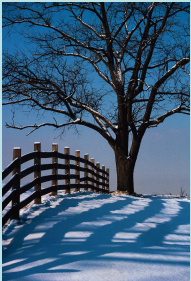
Proposed Amendments

- Definition Clarification
- Building Permit Issuance on Un-Platted Land
- Clean Up Application Submittal Dates
- Amend Time Allowed for Final Plat Recordation
- Plat Stipulations
- PDP as PP
- Minor Subdivision Process
- Major Street Map
- Removal of Redundant Engineering Requirements
- Floodplain and Stream Setback Standards
- Elimination of Dwelling Size Classification
- Master Fence/Screening Plan
- Standardize Sidewalk Requirements
- Peripheral Street Improvements (Excise Tax)
- Elimination of Airport Overlay District



Building Permits on Unplatted Land

The current code does not address certain situations in which it makes sense to allow building permits on unplatted land, such as:



- Decks
- Fences
- Mobile-Home Setup
- Additions to Buildings on Non-Platted Lots of Less than 10%, etc.

which staff has allowed as a matter of policy.

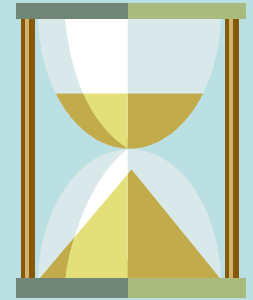
Clean Up Application Submittal Dates

The current ordinance provides for strict 30 day submittal timelines for portions of an application.

The proposed amendment references submittal schedule adopted by the Planning Commission each year.



Final Plat Recordation

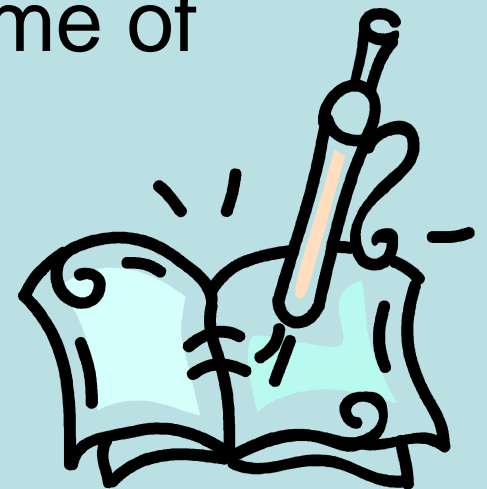


Current Code allows for a maximum of 6 months to record a Final Plat after approval

Staff recommends that this timeframe be expanded to 24 months, to allow for deviations in the market, and a reasonable amount of time for bonding and recordation of the map.

Plat Stipulations

In order to ensure that the stipulations required by the Planning Commission and City Council come to fruition, staff recommends that these conditions be stated on the Final Plat at the time of recordation



Preliminary Development Plan as a Preliminary Plat

To help streamline the development process, staff recommends that a new section be included in the Subdivision Regulations to allow a Preliminary Development Plan to act as a Preliminary Plat in property zoned as a Planned Zoning District where:

- The Preliminary Development Plan contains all information required for preliminary plats

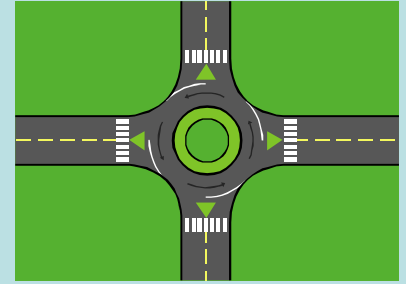


Minor Subdivisions

Staff recommends the addition of a section addressing minor subdivisions, which would allow:

- Minor Subdivisions to be presented by combining the preliminary and final plat, where:
 - The subdivision may create a maximum of three lots
- Though staff recommends the maximum of three lots, other cities permit for as many as five lots to be considered a minor subdivision

Major Street Map



As part of the Community Development Plan process, the City of Gardner established a Major Street Map

Staff recommends that a Section be added to Chapter 17, referring to the Major Street Map for the location and width of existing and proposed major streets, highways and building setback lines.

Removal of Redundant Information

Engineering Standards adopted as part of Chapter 13, such as:

- Streets with reverse curves must have a tangent between curves
- Local streets shall have a minimum 50' tangent, etc.

do not need to be repeated in Chapter 17

Protection from Flooding

Staff recommends that a Section addressing subdivision design and the location of utilities in relation flood hazards be added as part of the approval criteria.



Elimination of Dwelling Size Criteria

Currently, Chapter 17 refers to the designation of classifications for each subdivision to ensure a certain Total Livable Floor Area.

This has not been consistently addressed by staff in the past and staff recommends that the section be eliminated.



Master Fence/Screening Plan

Example Text

18.460.220 Master fence/screening plan.

- A.Purpose: The purpose of the master landscape/screening plan is to increase privacy, mitigate noise, reduce glare and enhance the aesthetics of the streetscape through the use of fences, walls, berms and professional landscaping to separate residential units from thoroughfare streets.
- B.Required: In any subdivision located within the R-1, R-1A, R-2 or equivalent planned zoning district, a master landscape/screening plan shall be required along that portion of the subdivision abutting an existing or future thoroughfare street. Such improvements shown on the approved master landscape/screening plan shall be considered a subdivision improvement and completion of the improvements shall be required prior to the issuance of building permits for any lots within the affected final plat covered by the master landscape/screening plan. In cases when the planting of landscape material may be inappropriate due to weather, the developer may submit an escrow payment equal to the value of the landscaping material as outlined in bids from the developer's landscape installer or contractor. Said escrow shall be held by the City until such time as all landscaping is installed per the approved plan.
- C.Landscape Easement: A landscape easement shall be shown on each preliminary and final plat which is subject to these regulations. Said landscape easement shall be immediately adjacent to the public thoroughfare right-of-way and shall be a minimum of 25 feet wide as measured at all points along the thoroughfare. As provided for in Section 18.420.045, the width of the landscape easement shall be in addition to the minimum required lot depth, lot width and yard setback requirements of the zoning district. The final plat and homes association deed restrictions shall contain language as approved by the Director of Planning and Development Services which identifies the homes association as the entity which will have permanent responsibility and authority to enter upon the said landscape easement to maintain, plant, replant, replace, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain any and all grass, trees, shrubs, flowers, plants, fences, and walls. Said homes association deed restrictions shall be recorded with the Johnson County Register of Deeds concurrent or prior to recording of the final plat. As an alternative, a separate landscape tract of the same 25-foot dimension and subject to the same language outlined above may be utilized instead of the landscape easement.

Standardize Sidewalk Requirements



Staff recommends simplifying the sidewalk requirements so that every roadway classification has a sidewalk on each side (4 foot for local and collector and 5 foot for arterials), as opposed to a different standard for each.

Pedestrian walkways will be addressed separately as part of the Gardner Trails Master Plan Update

Peripheral Street Improvements (Excise Tax)

Staff recommends the following amendments to Deductions and Exception from Area:

Add:

- Any replat of previously platted land which was approved by the City will be exempt from the payment of the excise tax levied hereunder
- Land area that is part of a developer's agreement with the City to pay for the construction of a major street by the creation of benefit districts and the square foot assessments to be levied upon the land will equal at least the tax rate.

Remove:

- The applicant at the time application is made for approval of the plat makes application to have the land excluded from the Area
- The application for exclusion includes a plan depicting any landscaping and improvements to be made to the land excluded
- Land included in a preliminary plat approved prior to January 5, 2000, which is subject to a development agreement entered into by the City and the owner
- Land included in a replat of a recorded subdivision, where the replat does not increase the area in the recorded subdivision to be replatted and the original plat was recorded on or after January 5, 2000.



Credits Against Excise Tax and Procedures of Calculating Tax

Removal of text:

- The amount of the credit shall be determined by dividing the reasonable cost, as determined by the Director, by the square feet of land included in the approved preliminary plat. The result of this division is the square foot credit that shall be allowed for each square foot included in the Plat. If the Plat includes land that was not included when the requirement to make improvements to the Major Street was established, no credit shall be given toward the Tax associated with that land.
- The Applicant shall be responsible for completing an application for credit and for supplying all information necessary for calculation of the Area and the credit on forms provided by the City. Any application or request for credit shall be specifically made in writing to the director prior to governing body approval of a Plat. The credit for reasonable costs to be incurred shall be estimated on the application for credit. The actual amount of credit given against the required Tax shall be based on the required supporting evidence as outlined above in Section 408.05, which shall be submitted prior to the Mayor signing the Plat. If no such request is made prior to such governing body approval, then the Applicant is deemed to have waived any right or claim to any credit.

Elimination of Airport Overlay District

As the Overlay district was not adopted by either Overland Park or Olathe, as required in the adopted language for the Article to be effective, staff recommends that it be removed.

